

NOV. 13. 2007 1:32PM

RECEIVED
CENTRAL FAX CENTER

NO. 9183 P. 2

NOV 13 2007

PATENT

RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1773

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:
Randall Allen Vogel et al

CASE NO.: AD6728USNA

SERIAL NO.: 09/833,452

GROUP ART UNIT: 1773

FILED: 04/12/2001

EXAMINER: Monique R. Jackson

FOR: Multilayer, Co-Extruded, Ionomeric Decorative Surfacing

AMENDMENT AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed 10/11/2007, applicants submit the following remarks.

Rejection of claims 69-72 under 35 USC 102(e) over Smith (US6319438)

According to the Board of Patent Appeals and Interferences (Board), a generic chemical formula will anticipate a claimed species covered by the formula when the species can be "at once envisaged" from the formula. When the compound is not specifically named, but instead it is necessary to select portions of teachings within a reference and combine them. MPEP 2131.02.

Applicants' claims are not compounds, but the reasoning is applicable here.

MPEP 2131.03 sets forth guidelines to determine whether an allegedly anticipatory reference describes the claimed invention with "sufficient specificity to constitute anticipation under the statute". The key factors in these guidelines comport substantially with the rule of *Peterson* (see MPEP2131.02). Specifically, the cited reference may be deficient if it describes a range that overlaps or encompasses the claimed range; if the range described in the cited reference is broad and the claimed range is narrow; if the cited reference includes no examples that are within the claimed range; and if there is evidence of unexpected results within the claimed range. Furthermore, "[t]he unexpected results may also render the claims unobvious".